

RECEIVED

DEC 31 2002

TECH CENTER 1600/2900

Attorney's Docket No. 42250/234021 (5830-4A)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Staskawicz <i>et al.</i>	Confirmation No.:	2026
Appl. No.:	09/864,680	Group Art Unit:	1638
Filed:	May 24, 2001	Examiner:	Medina Ahmed Ibrahim
For:	BS2 RESISTANCE GENE		

December 23, 2002

STATEMENT IN SUPPORT OF FILING A SUBSTITUTE SEQUENCE LISTING
UNDER 37CFR § 1.825

BOX NON-FEE AMENDMENT
U.S. Patent and Trademark Office
P. O. Box 2327
Arlington, VA 22202

Sir:

In response to the Office Action mailed September 25, 2002 (Paper No. 4), please replace the sequence listing and the computer-readable form as originally filed in the present application with the attached sequence listing and the substitute computer-readable form submitted concurrently herewith.

The Office Action indicates that new paper and computer-readable forms of the sequence listing must be submitted because the specification recites sequences on page 29, lines 9, 12, and 20-21 without a sequence identifier or SEQ ID NO. The Office Action further indicates that the specification must be amended to include the SEQ ID NOS. for these sequences. Accordingly, the sequence listing has been amended to include the sequences recited on page 29 of the specification. The specification has also been amended at page 29 to add the required sequence identifiers. It is submitted that the amendments, made in accordance with 37 C.F.R. §1.825(a), included in the substitute sequence listing do not include new matter.

In re: Staskawicz *et al.*
Appl. No. 09/864,680
Filed: May 24, 2001
Page 2

I hereby state that the substitute copy of the computer-readable form, submitted in accordance with 37 C.F.R. §1.825(b), is the same as the amended sequence listing.

Respectfully submitted,



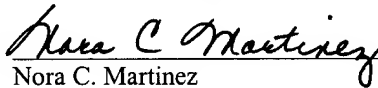
W. Murray Spruill
Attorney for Applicant
Registration No. 32,943

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF EXPRESS MAILING

"Express Mail" Mailing Label Number EL868644439US
Date of Deposit: **December 23, 2002**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to BOX NON-FEE AMENDMENT, U.S. Patent and Trademark Office, P. O. Box 2327, Arlington, VA 22202.


Nora C. Martinez